

State Budget Office
Office of Regulatory Reinvention
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Construction Codes/Elevator Division
Agency contact person name, e-mail, and phone:	Shannon Matsumoto, Rules Specialist, matsumotos@michigan.gov , (517) 241-6312

2. Rule Set Information

Title of proposed rule set:	Ski Area Safety – General Rules
Rule number(s) or range of numbers:	R 408.65
Included in agency's annual regulatory plan as rule to be processed in current year?	No

3. Estimated timetable for completion, or statutory deadline, if applicable:

The rules will be submitted by December 2018 and through the promulgated process by mid to late 2019.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

R 408.65 is being revised to update a reference to the American National Standards Institute (ANSI) standard B77.1 on safety requirements for passenger ropeways – aerial tramways, aerial lifts, surface lifts, tows and conveyors that is adopted by reference in this rule.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

Promulgation authority is section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The rule does not conflict with or duplicate similar rules or regulations adopted by the state or federal government.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

The rule adopts by reference the (ANSI) standards B77.1-2012 and B77.1a-2012, entitled "American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements".

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

The rule will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

No. The rule does not incorporate recommendations an Advisory Rules Committee formed pursuant to Executive Order 2011-5.
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10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

Yes, see attached.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim Department of Licensing and Regulatory Affairs
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↓ To be completed by the ORR ↓

Date RFR received:10-22-2018

☒ Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2018-073 LR
Date of approval:	11/6/18

☐ Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	